

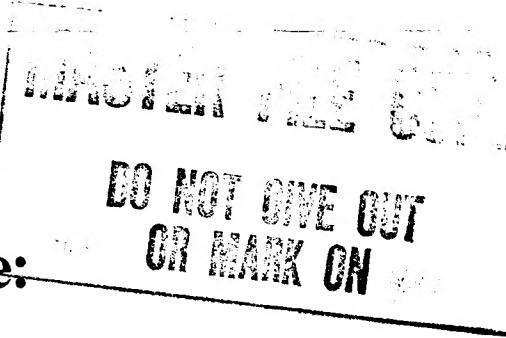


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The Aegean Dispute: A New Look at an Old Problem



Interagency Intelligence Memorandum

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NI IIM 84-10005
5 November 1984

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NI IIM 84-10005

**THE AEGEAN DISPUTE:
A NEW LOOK
AT AN OLD PROBLEM**

Information available as of 15 October 1984 was
used in the preparation of this Memorandum.

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SCOPE NOTE

US policymakers have requested that the Intelligence Community review the principal issues involved in Aegean disputes between Greece and Turkey. This Interagency Intelligence Memorandum examines the evolution of Aegean issues and their legal dimensions, including the interests and positions of each side, and the way that related issues and other players complicate efforts to deal with Aegean problems.¹ It also evaluates the prospects for resolution and the implications for US interests. An annex provides citations from additional international legal documents relevant to the Aegean disputes. Maps depicting the respective Greek and Turkish claims and showing key US facilities in Greece and Turkey are included with the main text.

This Memorandum was produced under the auspices of the National Intelligence Officer for Europe. It was coordinated at the working level with the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and the intelligence organizations of the Department of State and of the Army, Navy, and Air Force.

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KEY JUDGMENTS

Disputes between Greece and Turkey in the Aegean frustrate NATO's arrangements and exercises on the southeastern flank, complicate US relations with both countries, and constitute a potential *casus belli* between these two putative allies. Tensions over Cyprus and domestic political imperatives in Greece currently dim the prospects for settlement of Aegean disputes and could increase the chances of conflict. In case of hostilities, both sides would expect the United States (and probably NATO) to quickly mediate a cease-fire and disengagement. If Washington's response were considered unsatisfactory, US access to facilities in either or both countries could be endangered, hampering important strategic military and intelligence functions. In a worst case scenario, either ally or both might withdraw from NATO.

Greece's sovereignty over its 2,000 to 3,000 Aegean islands—some lying as close as 3 miles to the Turkish coast—is not in question. However, there is a tangle of jurisdictional disputes between Greece and Turkey over the definition of air and sea rights, the delimitation of the continental shelf, and the militarization of certain Greek Aegean islands.² At stake are the potential exploitation of continental shelf resources, access to and control over air and sea transit through the Aegean, and the allocation of NATO command and control responsibilities in the area.

Domestic forces—including public opinion, political interest groups, and the press—have the potential to support a high level of tension between Greece and Turkey; whether that tension prevents progress on Aegean disputes or manifests itself in actual conflict depends on choices made by the respective leaders.

The near cessation of bilateral talks under Greek Prime Minister Andreas Papandreou has reduced the chances of compromise, and there is little prospect for productive talks to begin any time soon. With some short-lived exceptions, the thrust of Papandreou's policy has been to curtail bilateral discussions and internationalize the disputes. The Turkish Cypriot declaration of independence, with the ensuing events on Cyprus, is perhaps the most serious factor currently sustaining Papandreou's hardline posture. Papandreou will continue to use the "Turkish threat," a common concern for Greeks across the political

² The table following the Key Judgments summarizes Greek and Turkish positions.

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spectrum, to deflect attention from deepening domestic economic and political troubles, to unite the people behind him, and to force the opposition to mute its criticism or appear weak on the Turkish issue.

In spite of Ankara's frustration with Greek tactics and its isolation from Western allies on the Cyprus issue, the Ozal government has followed a low-key policy with Greece on the Aegean, periodically attempting to draw Papandreu into direct talks. So far this policy has met with little success. Prime Minister Ozal is likely to continue efforts to play down Aegean problems, recognizing that conflict with Greece could endanger his efforts to restructure the Turkish economy, to improve relations with the European Community, and to obtain sufficient and continuing US aid for modernizing the Turkish military. If Greece should make some dramatic gesture having serious implications for Turkish security interests, Ozal could be expected to respond decisively, with the full backing of virtually all domestic players, including the powerful military. For example, Greece's implementation of its right to extend territorial seas in the Aegean from 6 miles to 12 miles would almost certainly provoke a Turkish naval incursion into the disputed waters—which would be likely to cause a clash with Greek forces. Although Greece's recent buildup of its island military forces has so far provoked only diplomatic protests from Turkey, Ankara could respond more forcefully to additional buildups.

While we cannot exclude inadvertent clashes that could lead to wider hostilities, premeditated aggression by either Greece or Turkey over Aegean disputes is unlikely, in our view. Both countries have shown a desire to avoid hostilities. Athens is convinced that Ankara's ultimate objective is to partition the Aegean and ultimately to challenge Greece's sovereignty over some of its islands, but at the same time the Greeks do not want to risk a debilitating conflict. Similarly, Ankara, although unprepared to legitimize the existing regime in the Aegean, considers its complex elements to be in a state of fragile equilibrium.

Thus, while conflict between Greece and Turkey is more likely to stem from a military clash on Cyprus, it could spread to the Aegean and possibly Thrace—if only because the Greeks recognize Turkey's clear military advantage in a conflict confined to the island. The Greeks would have a slight edge in aerial combat in the Aegean, and at a minimum they would hold their own in naval engagements. In the border area of Thrace, the difficult terrain would be likely to offset the Turks' manpower advantage, and fighting there would probably end in stalemate.

Even short of military hostilities, Greek-Turkish differences over Aegean issues will complicate US relations with Athens and Ankara.

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Both place a high premium on US security assistance. Greece values the assistance as a means of obtaining military parity with Ankara and for its potential as a lever on Turkish policy on Cyprus. Turkey, in addition to its force modernization needs, views aid as proof of the West's commitment to Turkey as an equal partner in the Alliance. Both view US aid as a measure of US partiality or pressure. As experience in the area has demonstrated repeatedly, each country at times questions Washington's good faith and the value of close relations with the United States.

The Soviet Union, up to now a marginal player, has important interests on both sides of the Aegean question, and thus is likely to continue its efforts to appear above the debate. At the same time, Moscow will try to exploit the situation by playing on both sides' disenchantment with the West. On the one hand, it will encourage Papandreu's disruptive behavior in NATO and European councils and will try to foster closer relations between Greece and various Soviet allies. On the other hand, it will court the Turks where possible and encourage any signs of Turkish disaffection with the West.

We believe that any efforts by the two parties to reach accommodation on Aegean questions would be aided by initial confidence-building measures. Ultimately, bilateral comprehensive negotiations that exploit opportunities for effective trade-offs among diverse issues offer the best prospect for a general Aegean settlement, given the range of issues under dispute, their varying impact on Greek and Turkish interests, and their implicit interconnectivity. Disputes over airspace and NATO command and control may be more amenable to resolution than the others. Continental-shelf issues also have some history of serious negotiations and, now that shelf resources are no longer thought to represent great riches, could again be the focus of productive talks in a more hospitable negotiating climate. At the same time, both sides will be wary of making any precedent-setting compromises on these issues that might negatively affect their position on others. Finally, disputes over territorial waters and island militarization appear to be the most intractable because they affect control of economic lifelines and coastal defense.

While a good-offices role by the United States, the United Nations, or other NATO states could facilitate the process, the beginning of a productive dialogue, let alone hope of a successful outcome, will have to await an easing of tensions over Cyprus, as well as an improvement in the political climate in the area. Some sort of confidence-building measures, such as progress on Cyprus or a renewal of trade and tourism talks, might ameliorate the mutual distrust.

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In the interim, tensions in the Aegean will remain at best a chronic irritant in US and NATO relations with Greece and Turkey that will have to be carefully managed and, at worst, an ember that could ignite into conflict between these two NATO allies. Should the situation remain as it is, the United States should be prepared for continuing instability and persistent demands for intervention: the Turks will want to expand military assistance and decouple the military aid process from Aegean/Cyprus questions, and the Greeks will pressure Washington to hold to traditional aid ratios and terms and to use the military aid process to force Turkish concessions on Cyprus. Such a climate will demand skillful crisis management to limit the damage to US and Alliance interests.

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Greek-Turkish Disputes in the Aegean

Issue	Greek View	Turkish View
Territorial Seas		
Does Greece have the right to claim a 12-nautical-mile territorial sea in the Aegean?	Yes. International law recognizes this right. Extension of territorial waters would not interfere with normal navigation.	No. A 12-mile zone would close off Aegean international waters and would not be equitable.
Airspace		
Must military aircraft flying in Aegean FIR ^a file flight plans with Greek civilian air traffic controllers?	Yes. Military aircraft must file flight plans. Athens cites 1944 ICAO treaty clause on safety, other ICAO resolutions.	No. The 1944 ICAO treaty expressly exempts military aircraft from this requirement.
Is Greece's claim of a 10-mile airspace around its islands valid?	Yes. Athens declared a 10-mile zone by presidential decree in 1931, and Turkey did not challenge it until 1974.	No. This is a unique claim; it has no basis in international law or practice.
Continental Shelf		
How should a continental shelf shared by two states be delimited? Should islands be used as basepoints if the equidistance method is applied?	Greek islands are entitled to a continental shelf according to international law. Preferably, islands should be used as base points.	Many Greek islands sit on the natural prolongation of the Anatolian shelf. This and other special circumstances in the Aegean make an equidistance line based on islands inequitable.
Militarization of Greek Islands		
May Greece place regular military forces on islands despite specific treaty prohibitions?	Yes. If Greek security from "Turkish threat" requires it.	No. Greece is violating several treaties in so doing.
Can the Greeks militarize the island of Limnos?	Yes. The Montreux Convention supersedes previous convention restricting militarization.	No. Treaty provisions restricting militarization were not specifically replaced by Montreux.
NATO Issues		
Should the Greek island of Limnos be included in NATO exercises?	Yes. Exercises defending the Turkish Straits should include Limnos.	No. NATO should continue to leave out areas in dispute such as Limnos.
What arrangements should be made for Aegean command and control?	Turkey should not have security responsibilities over Greek territory. Athens wants return to pre-1974 arrangements (Greek control of Aegean). Establishment of NATO's Larisa headquarters must follow agreement on command and control responsibilities.	Turkey needs a security zone west of FIR line. SACEUR agreement provides for modification in pre-1974 command and control arrangements.

^a Flight information regions (FIRs) are air traffic control zones allotted by the International Civil Aviation Organization (ICAO). FIRs are intended to protect the safety of air passengers and do not represent geographic or legal boundaries.

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DISCUSSION

Overview

1. Disputes between Greece and Turkey in the Aegean frustrate NATO's arrangements and training exercises on its southern flank, complicate US bilateral relations with both countries, and constitute a potential *casus belli* between these two putative allies. The lateral effects of these disputes are pervasive, extending into NATO's planning and review processes and generally undermining readiness along the southern flank. In the event of serious conflict between the two countries, US access to facilities there could be denied, hampering important strategic military and intelligence functions as well as undercutting potential US policy initiatives in the Middle East and Southwest Asia.

The Problem

2. Greece's sovereignty over its 2,000 to 3,000 Aegean islands—some lying as close as 3 miles to the Turkish coast—is not in question. However, there is a tangle of jurisdictional disputes between Greece and Turkey over the definition of air and sea rights, the delimitation of the continental shelf, and the militarization of certain Greek Aegean islands. At stake are the potential exploitation of the resources of the shelf, access to and control over air and sea transit through the Aegean, and the allocation of NATO command and control responsibilities in the area.

3. Each capital believes that the other's current claims threaten vital national economic and security interests:

— The Greeks want to protect their islands in the Aegean as part of their historical homeland and an integral—and economically important—part of their country; they believe these islands form a political continuum with the mainland, and that Greek sovereignty provides the basis for Greek control of most of the seabed economic resources and transit rights in the Aegean Sea. Most Greeks across the political spectrum view Ankara as seeking to capitalize on the results of the 1974 Cyprus conflict and Greece's withdrawal from the military wing of NATO by trying to alter a

status quo that had been validated by both precedent and international agreement. They are convinced that the Turks have designs on this Greek territory and might at some point use force to take it.

— The Turks, on the other hand, believe that Greece wants to make the Aegean into a "Greek lake," an arrangement that they believe could give Athens control of commercial transit to Turkey's western ports, limit Turkey's capacity to conduct military exercises off its coast, deny Ankara the right to explore what the Turks consider their own continental shelf upon which many of the Greek islands sit, and allow Athens to use the nearby militarized islands to threaten Turkey. Ankara argues on the basis of equity in international law—that is, that the Aegean is a special case, and that historical and geographical circumstances require that arrangements be worked out between the parties with conflicting claims.

4. Other disagreements—particularly that over Cyprus, but also disagreements over the status of respective minorities—compound the problem. In addition, the provocative rhetoric of Greek Prime Minister Andreas Papandreu and, more recently, the Turkish Cypriot declaration of independence in November 1983 have soured already deteriorating relations between Athens and Ankara and all but eliminated near-term prospects for progress on Aegean issues.

The Context: Greeks and Turks

5. A purely historical and legal treatment of Aegean disputes would fail to convey the depth of feeling that the two sides bring to their disagreements. Greek-Turkish antipathy colors the entire range of relations between the two, and intrudes into nearly every activity in which both participate. Over recent years, it has developed into a sort of rivalry for the support of international audiences, primarily the United States and Western Europe, which are the main sources of economic and military assistance for both Greece and Turkey. Their common economic interests in areas such as trade and tourism do not compensate for the

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conflicting claims over the Aegean and a growing disparity in Greek and Turkish threat perceptions vis-a-vis the Warsaw Pact.

6. Differences in mutual perceptions strongly affect the prospects for resolving the outstanding conflicts. For Greece, Turkey represents a clear and present danger to Greek territory and Greek interests and is the center of Athens's foreign policy and security concerns. These perceptions filter Greek judgments of US as well as Turkish behavior, and are widely shared within the elite and the population, making each issue in contention with the Turks a matter of keen national interest and high domestic stakes. While the volatility and unpredictability of the current Greek socialist leadership exacerbates these attitudes, they did not create them.

7. For the Turks, disputes with Greece represent one group within a broader range of foreign policy problems, many of which are considered more crucial to Turkey's national interests: military modernization to meet the potential military threat from the Warsaw Pact; instability and unrest on Turkey's Middle Eastern borders; and the prospects for terrorist attacks on Turkish targets. However, the Turks are wary of Greek intentions, and Prime Minister Ozal may find himself subjected to domestic pressures to toughen his moderate stance toward Athens. Ankara views Papandreou's determination to internationalize the Cyprus question as an effort to isolate the Turks from Europe at a time when there is already strong West European criticism of Ankara's human rights record.

8. A determination not to be perceived as submitting to external influence is a fundamental principle of both Turkish and Greek foreign policy. Whenever Ankara or Athens perceives such pressure (especially if it becomes public) it has demonstrated that it will sacrifice other objectives in order to resist. Turkey's perception in recent years of its isolation and alienation from the Western community has only increased its determination not to yield on issues regarded as matters of national interest and principle. Greece's perception of a US and NATO tilt toward Turkey makes it especially skeptical of Western calls for compromise.

9. The play of domestic politics makes dispassionate handling of these Aegean issues all the more difficult. Regimes disposed to make concessions have rarely governed in both countries at the same time, a situation likely to persist. The domestic political costs of compromise appear great to political leaders. Papandreou has used disputes with Turkey to rally support

when challenged on other issues; he may use them even more frequently if economic problems intensify and his popularity wanes, particularly during the campaign preceding parliamentary elections now scheduled for October 1985. Similarly, although Prime Minister Ozal's approach thus far has been to play down these issues, the fuller return to democratic politics in Turkey could increase the public debate and raise the level of nationalist rhetoric.

10. Both governments appear poised to confront any challenge to perceived legal or moral rights in the Aegean and aggressively solicit international support for their positions. Over the past year the downturn in bilateral relations over Cyprus has led to a near-complete cessation of a dialogue even on issues of common interest, and a heightening of mutual suspicions. In such a charged climate, the prospects are poor for progress in resolving Aegean disputes. Moreover, unexpected events could touch off an escalating sequence of conflict that neither side really wants and that could only benefit the Soviets and the Warsaw Pact.

Issues in Dispute

Overview

11. The Aegean is an island-studded, semienclosed sea extending 400 miles south from Greek/Turkish Thrace to the island of Crete. It is dotted with more than 2,000 islands, practically all belonging to Greece, and some lying within 3 miles of the Turkish mainland. Today, as a result of several international treaty settlements, Greece owns all the significant Aegean islands except for Turkish-owned Gokceada (Imroz), Bozca Ada (Tenedos), and the small Tavsan Adalari, or Rabbit Islands, all near the entrance to the Dardanelles Strait. The 100 or so inhabited islands are almost entirely Greek populated, with a little less than 1 million people.

12. Islands in the areas most affected by Aegean disputes lie in the northern and eastern Aegean groups, plus the Dodecanese. These islands have a current population of less than 400,000, which has been declining in recent years as mainland urban centers attract the youth.

13. Issues in dispute—how to divide the continental shelf in the Aegean, how to organize air and sea transit through the sea, and how to share NATO defense responsibilities in the area—reflect deeper concerns about territorial integrity, sovereignty rights, and national security. The Greeks and Turks want to benefit

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from whatever wealth there may be in the Aegean seabed, pursue freely trade and commercial activities in the sea, and ensure their security against external threats. Although these interests are not inherently mutually exclusive, Athens and Ankara have staked out positions that are for the most part incompatible.

Territorial Seas

14. The definition of the territorial sea for the islands in the Aegean has implications for all countries whose ships transit the area between the Black Sea or Sea of Marmara and the Mediterranean, including the United States and the Soviet Union. Both Greece and Turkey currently claim a 6-mile limit³ in the Aegean. In the cases where the separation between the eastern-most Greek islands and the Turkish mainland is less than 12 miles, both Athens and Ankara consider the dividing line to be midway between them. The present 6-mile territorial sea limit allows some high-seas corridors in the Aegean. Should Greece choose to implement the 12-mile limit now allowed under the recent Convention on the Law of the Sea (LOS),⁴ no high-seas passageways through the Aegean would remain. (See figure 1.) Rights of navigation and overflight would be governed by applicable rules respecting such activities in and over territorial seas and international straits:

- Specifically, in and over those territorial waters constituting straits used for international navigation and linking high seas on each end, vessels and aircraft of all states have the right of *transit passage*—that is, the nonsuspendable right of continuous and expeditious transit through and over such straits.
- In other territorial sea areas, vessels, but not aircraft, have the right of *innocent passage*, which is a more limited right in that, for example, submarines have to surface and fly their flags, and aircraft may not be launched or recovered. No aircraft may overfly a coastal state's territorial sea (other than in exercise of the right of transit passage) except with the permission of the coastal state. In the absence of the

³ Territorial sea and other maritime and airspace distance measurements are in nautical miles; 1 nautical mile equals 1,852 meters or 6,076 feet.

⁴ The LOS Convention was adopted in 1982, but has not yet received the 60 ratifications required to put it in force. Greece has signed the Convention; the United States and Turkey have not. Nevertheless, the United States recognizes many of its provisions, including those on continental shelf jurisdiction and international navigation, as valid statements of customary international law.

coastal state's consent, ships sailing through its territorial seas may not conduct military maneuvers or exercises there.

15. The possible declaration of a 12-mile territorial sea in the Aegean also raises the question of international straits designation. Because all of the straits between the Mediterranean and the Dardanelles would be overlapped by a Greek 12-mile territorial sea, the issue of straits designation is of considerable concern to the United States and the Soviet Union as well as Turkey. (See annex, beginning on page 27, for text of relevant treaty provisions.)

16. Greek interests include protecting the island populations and their access to fisheries, protecting the country's extensive commercial trading activities, and preserving the recognition of Greek sovereignty over the islands. The Turks want to protect their own commercial and naval traffic through the sea and preserve Aegean access for busy western ports such as Izmir.

17. *The Greek Position.* Greece currently claims a 6-mile territorial sea. Its spokesmen have stated privately on several occasions that it has no current plans to extend its waters to 12 miles, but Athens reserves the right to do so based on common world practice and the provisions of the 1982 LOS Convention. These spokesmen declare that innocent passage regulations would pose no threat to Turkish ships, pointing out that Greece, with a large commercial fleet of its own, has no interest in restricting freedom of the sea.

18. In the past, Greece has also sought the same rights as those generally accorded archipelagic states in international law—rights that would have allowed Greece to designate international straits under the terms of the current LOS Convention. During the LOS talks, Greece was unable to achieve such recognition. Upon signing the LOS Convention, however, Greece made a reservation claiming the right to determine which passageways through the islands would be deemed straits governed by transit passage rules and which would not. (Straits not subject to the right of transit passage are still subject to the right of innocent passage, except that passage rights for vessels through such straits may be nonsuspendable.) The United States has not accepted Greece's assertion of the right to designate straits. (See annex for relevant treaty provisions.)

19. *The Turkish Position.* Turkey claims only a 6-mile territorial sea in the Aegean, while claiming a 12-mile territorial sea in the Black Sea and the Medi-

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Figure 1
Territorial Waters and Continental Shelf Dispute in the Aegean



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nean. Ankara argues against a 12-mile sea in the Aegean because it believes that the Aegean is a special case and should be delimited on the basis of equity that takes into consideration historical usage and special geographical circumstances. Ankara has made it clear that a potential Greek action regarding extension of territorial seas in the Aegean that might disadvantage Turkish shipping, military exercises, or rights to the continental shelf would be unacceptable. Though muted in recent years, Ankara has occasionally warned that it would regard a Greek declaration of 12-mile territorial seas in the Aegean as a *casus belli*.

20. **Legal Bases.**⁵ Common state practice has evolved in the direction of recognizing a 12-mile territorial sea. The 1982 Law of the Sea Convention, although not yet in force, is the first international agreement to specifically recognize a territorial sea of up to 12 miles. The LOS Convention provides that, in the absence of coastal state agreement, the maximum territorial sea claim between coasts opposite or adjacent to each other is the median line equidistant from the baselines from which the breadth of the territorial seas of each state is measured, although other methods may be applied by reason of historical title or other special circumstances. The LOS Convention does not provide for coastal-state designation of alternative shipping channels between islands, except for archipelagic states—that is, states composed solely of islands or groups of islands, but not composed of islands and continental areas.

Airspace Issues

21. Disputes over control of Aegean airspace have interfered with both civilian and military air traffic in the area, created serious difficulties for the NATO Allies, and raised the potential for conflict between the two Aegean states. The governments in 1980 and 1981 resolved differences on civilian air traffic, but Aegean military air traffic remains a chronic problem. Two airspace issues lie at the heart of the dispute: differences over the extent to which Greece's civilian air traffic control responsibilities allow it to control military traffic in its flight information region (FIR)⁶—which covers nearly the entire Aegean—and over the Greek claim of 10-mile airspace. (See figure 2.)

⁵ Legal bases for these positions derive from a variety of sources. Rulings of the International Court of Justice (ICJ), traditional state practice, arbitration decisions, and conventions that have codified customary international law all provide reference points.

⁶ Flight information regions are air traffic control zones allotted by the International Civil Aviation Organization (ICAO). FIRs are intended to protect the safety of air passengers and do not represent geographic or legal boundaries.

22. Greece wants to ensure the security of the islands and protect transportation links between them, as well as to gain recognition for its jurisdiction. Turkey is concerned about its air defenses and reconnaissance activities along its west coast and the maintenance of civilian air access to European destinations.

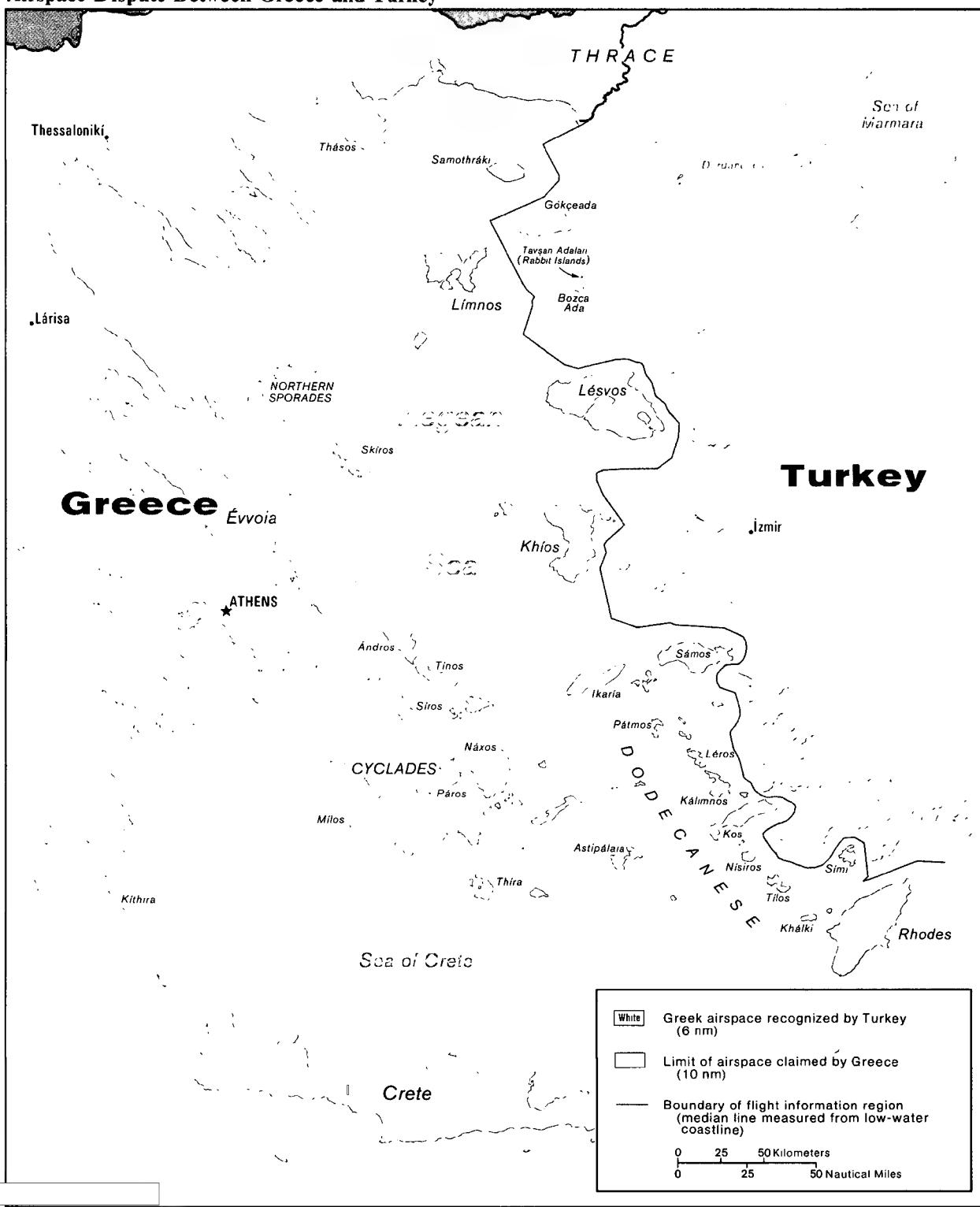
23. **The FIR Issue.** The Athens Flight Information Region was established in 1952 and 1958 by International Civil Aviation Organization (ICAO) regional conferences in which both Greece and Turkey participated. At that time, Greece was given air traffic control responsibilities for virtually all of the Aegean area. The Athens FIR shares a common boundary with the Istanbul FIR, a boundary passing between the Greek islands and the Turkish mainland. In that respect, Athens has also sought to designate military air corridors over the Aegean. US and NATO refusal to file flight plans for state aircraft creates a few problems, but Turkish refusal generally results in an "incident," with Greek claims of airspace violations.

24. Ankara had tacitly accepted the Greek FIR administration until 1974, when it declared that security concerns, deriving from the Cyprus conflict and Greece's withdrawal from NATO's integrated military structure required a new administration of air traffic control in the Aegean. Ankara argued that Turkish authorities could no longer identify friend or foe approaching the mainland from the west. Turkey took some unilateral measures in this direction, and Greece countered by declaring the Aegean unsafe and closing it to civilian air traffic. Progress toward resolving the issue was made in February 1980, following a renewed sense of Warsaw Pact threat in the wake of Soviet intervention in Afghanistan. The Turkish Government withdrew its objections to the Athens Flight Information Region and Greece's control over civilian aircraft. Greece subsequently reduced the restricted military zone it had declared over the Aegean.

25. Greece has always insisted that for "safety reasons" state aircraft—aircraft operated by a government—should file a flight plan with the Greek air traffic controller even if flying only over international waters. Although ICAO regulations specifically exempt state aircraft from filing such flight plans, Greece claims its ICAO responsibilities include administering the FIR in accordance with its own national as well as international rules, and its national regulations require such notification. Turkey maintains that state aircraft are required only to fly "with due regard to safety." Although Ankara does not file flight plans for its military aircraft, it does routinely issue a

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Figure 2**Airspace Dispute Between Greece and Turkey**

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NOTAM—notice to airmen—when conducting military exercises.

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26. **Airspace.** On the basis of a 1931 executive proclamation, Athens has claimed a 10-mile airspace around its territory. The decree also extended the width of territorial seas for purposes of air navigation only—a claim unique in international law. This is still an official Greek Government position. Athens has argued that the 10-mile zone is necessary for air policing purposes and because of aircraft speeds. In 1960, however, the Greek Government agreed to a 6-mile airspace for NATO purposes. Nonetheless, since 1974, Athens has made a point of protesting whenever NATO exercises or Turkish patrols bring foreign aircraft closer than 10 miles.

27. The Turks wish to avoid any tacit recognition of the 10-mile claim, and periodically demonstrate their position by flying patrols in the disputed 4-mile zone. During periods of tension Athens has dispatched interceptors against Turkish aircraft, a move that has sometimes prompted the Turks to threaten to send fighter escorts along with the unarmed patrol aircraft. Ankara will probably continue this policy of patrolling within the disputed area unless some mutual arrangement with Greece, such as held for a time in 1982, offers incentives for restraint.

28. **Legal Bases.** With regard to the FIR issue, the 1944 ICAO convention signed in Chicago, to which both Turkey and Greece are parties, does not require state aircraft to file flight plans, although they are required to fly "with due regard for safety" (Article 3). The United States and Turkey refuse to file military flight plans with civilian controllers as a matter of principle and to avoid creation of an undesirable precedent. In daily practice, computerized flight plans automatically reach the civilian controller; only the flight plans of military pilots relying on "visual flight rules" do not customarily reach civilian controllers.

29. On the question of airspace, international conventions, including the ICAO treaty, as well as other sources of international law, do not recognize coastal state claims to airspace extending beyond the limit of the territorial seas. Athens formally signed a 1936 convention acknowledging a 6-mile territorial sea, but in its view this act did not invalidate the executive proclamation of 1931 that set forth a 10-mile territorial sea limit for air navigation purposes.

The Continental Shelf

30. Greek-Turkish differences on the continental shelf center on how it is to be delimited around the islands in the Aegean, where the two states appear to have a common shelf. In the early 1970s, Greece granted exploration licenses to parts of the continental shelf it claimed in the Aegean. The issue, however, did not become highly contentious until the discovery of exploitable oil deposits in 1972 off the Greek island of Thasos. Greece proceeded to claim mineral rights over what it viewed as its continental shelf—which included most of the Aegean. Turkey then decided to exercise petroleum exploration rights granted by the state for the area between the Turkish island of Gokceada (Imroz) and the Greek island of Limnos and in 1973 issued a map in its governmental gazette showing about 40 percent of the Aegean as its petroleum concession claim, including areas where there were Greek islands. (See figure 1.) When Greece protested, Turkey responded by proposing negotiations, but the two sides could not agree on the bases for beginning the talks. In May 1974, Turkey sent out an exploratory vessel into the disputed area and simultaneously conducted naval exercises in the Aegean. The issue heated up again in 1976 when Turkey sent out a research vessel into contested waters, accompanied by a naval escort in response to Greek threats.

31. The impact of the first mission was lost in the 1974 Cyprus crisis and the fall of the Greek junta; the second mission, in 1976, brought the two countries to the brink of war. In response, the Greeks appealed to both the UN Security Council and the International Court of Justice (ICJ). Neither body ruled decisively, but both called for calm and restraint and urged bilateral negotiations be undertaken to resolve the dispute. These events led to the 10-point Berne Declaration (see annex for text), in which both parties agreed to refrain from provocative steps in the Aegean that would prejudice further negotiations. Over the next two years, each side advanced proposals for ways of handling the dispute. Ankara initially suggested joint exploration of the contested areas, leaving aside the question of specifically delimiting jurisdictions. Greece called for what amounted to a series of alternating corridors extending from the two mainlands, with the Greek corridors encompassing the easternmost Greek islands and the Turkish corridors extending between the islands midway into the Aegean. Later, the Turks suggested that each country retain a coastal shelf encompassing 15 percent of the seabed, with the remainder to be exploited jointly. The Greeks responded with a variant of their corridor suggestion that

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envisioned smaller Turkish salients and did not rule out the principle of joint exploration once a method for delimitation had been accepted.

32. Ultimately, the two sides could not agree, and neither has offered further proposals. The issue receded in importance after 1977 as oil exploration efforts proved less fruitful than anticipated. Thasos oil is not considered of good quality and is expensive to exploit. Moreover, Greece considers it less important than other, closer fields, and the Turks have turned to the southern and south-central parts of their country for better oil prospects. In 1981, Papandreu terminated the talks begun in 1976. When in early 1982 he authorized renewed exploration in the Aegean, Ankara reacted strongly, and an incident was averted when both sides pulled back. Should additional natural resources be discovered on the shelf, this conflict could easily resurface.

33. **The Greek Position.** The Greeks argue on the basis of the 1958 Geneva Convention and the 1982 LOS Convention that, because inhabited islands are entitled to a continental shelf, they should be given full consideration in discussions on delimitation of the shelf in the Aegean. Athens prefers delimitation based on the equidistance method (that is, a line generated by plotting points equidistant from the nearest baseline by which the territorial sea is measured) using the islands in the Aegean as the baseline. (Greece made a reservation to the 1958 Geneva Convention to this effect—see annex for text.) This method would give virtually all the continental shelf in the Aegean to Greece. Athens believes that, failing bilateral negotiations, the disputing states should submit their case for international adjudication. The 1982 LOS Convention provides for continental shelf delimitation between states with opposing or adjacent coasts through agreements made on the basis of international law, without specifying the equidistance method. Greece has made no declaration respecting this provision.

34. In arguing its legal case, Athens asserts that the islands form a political continuum with the mainland. The Greeks fear that any demarcation of the shelf to the west of Greek islands or any formula for joint control of the seabed would lead to the enclavement of about 500 Greek islands. Such a situation in Athens's view ultimately could result in a Turkish challenge to the sovereignty over the islands themselves.

35. **The Turkish Position.** Turkey did not sign and does not recognize the 1958 Geneva Convention on the Continental Shelf or the recent LOS Convention as having any legal effect. It maintains that many of the

Greek islands are small and insignificant and to give them full weight in a boundary delimitation would deprive Turkey of access to the natural prolongation of its continental landmass; therefore they should be considered geological protrusions on the Turkish continental shelf and, by inference, should not be used as basepoints for delimiting the shelf if the equidistance method were to be employed. Although the Turks have not argued for a specific shelf boundary, we can infer that their preferred line would incorporate more of the Aegean under Turkish jurisdiction than would be available under the strict application of the equidistance method using all islands as basepoints. The boundaries drawn for Turkish oil exploration concessions in 1973—which included about 40 percent of the Aegean—might be illustrative of Turkish preferences. (See figure 1.)

36. To support their position, the Turks have quoted, *inter alia*, from a 1982 ICJ judgment concerning a Tunisian-Libyan dispute: "... equidistance may be applied if it leads to an equitable solution; if not, other methods should be employed ... since equidistance is not, in the view of the Court, either a mandatory legal principle or a method having some privileged status in relation to other methods." They further insist that their situation with Greece is a special case that should be negotiated bilaterally in good faith, and that some sort of joint approach to the exploitation of resources in contested areas should be adopted.

37. **Legal Bases.** There is a large body of international law, including conventions, court rulings, and arbitral decisions, that addresses continental shelf issues. Both Greece and Turkey can find ample bases to defend their positions credibly. The 1958 Geneva Convention on the Continental Shelf notes that, whenever one continental shelf is adjacent to the territories of two states, the boundary is to be determined by agreement between them. Without agreement, the boundary is to be the median line equidistant from the nearest baseline from which the territorial sea of each country is measured. The 1982 LOS Convention obliges such states to reach an agreement, based on international law, in order to achieve an equitable solution. The LOS Convention also provides for a complex dispute settlement process to which nonparties may be able to resort (see annex for relevant provisions).

38. The ICJ exercised a great deal of caution in handling the 1976 Greek submission, due in part to the large number of pending cases involving rival claims

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to continental shelf delimitation. In its response to the 1976 Greek submission, the ICJ did not enjoin the Turkish vessel from further exploration in disputed waters, but declared it could not assume jurisdiction in the matter so long as the two parties had not given their full efforts to resolving their differences bilaterally. The Court, however, reserved the right to issue a decision on the matter in the future, and, as did the UN Security Council, it recommended that both parties pursue direct negotiations, and refrain from provocations during the negotiating period.

39. An issue related to the exploitation of the continental shelf is the trend toward state claims for exclusive economic zones (EEZs) that may in the future complicate the disputes in the Aegean. An EEZ is an area beyond and adjacent to the territorial sea—limited to a maximum of 200 miles from the baselines from which the territorial sea is measured—in which the coastal state is considered to have special interests and rights; this applies particularly to exploration and exploitation of the natural resources of the waters and the seabed, as well as to the jurisdiction to establish structures having economic purposes, to conduct and regulate marine scientific research, and to protect and preserve the marine environment. It is a relatively recent concept in international law, with its first multilateral articulation in the 1982 LOS Convention. It is, however, already well established in international practice, with over 60 states claiming EEZs. Such zones obviously increase the areas in which coastal states may properly interact with persons and vessels of other states, in, for example, fisheries enforcement or environmental protection. Neither Greece nor Turkey has claimed an EEZ; doing so could, in the Aegean, create disputes similar to the continental-shelf disagreements.

Militarization of Greek Islands

40. Turkey has protested that Greece has been illegally remilitarizing some of its islands close to the Turkish mainland. Current figures indicate that Greece has stationed the equivalent of two divisions, about 25,000 troops, on Limnos, Lesvos, Khios, Samos, Kos, and Rhodes. Greece claims these troops are needed to defend its territory against threatening Turkish forces, citing Turkey's IV Army (the so-called Army of the Aegean) created in 1975 and stationed near the Aegean coast. Turkey denies it has any intention of attacking Greek islands but, in light of military forces stationed there, asserts a need to protect its own security as well as important commercial and naval access routes through the Dardanelles Strait

and the Aegean. As it is now constituted, the IV Army is a skeleton force composed mainly of training components.

41. This issue is complicated by the historical fact that different groups of Aegean islands fall under different international legal provisions (see annex for relevant texts):

- The islands of Limnos and Samothraki, near the mouth of the Dardanelles Strait, were demilitarized under the Straits of the Dardanelles Convention of 1923, which also provided for the demilitarization of the Turkish islands. In 1936 the Western Powers agreed to alter the 1923 Straits document in light of the changing political and military situation in Europe. The ensuing agreement, the Montreux Convention, replaced the Dardanelles Straits Convention without explicitly continuing its provisions for demilitarization. These islands have been remilitarized by Greece, slowly after 1960, then rapidly after the Cyprus crisis of 1974.
- The Greek islands of Lesvos, Khios, Samos, and Ikaria were demilitarized under the 1923 Treaty of Lausanne, which provided that "no naval base and no fortification" may be established there. However, forces equal to "the normal contingent called up for military service" are allowed, and a force of gendarmerie equal to the total strength of Greek security forces may also be maintained. These provisions remain in force today.
- The Dodecanese Islands, which lie close to Turkey's southwest coast, were ceded to Greece under the Italian peace settlement in 1947. This treaty calls for demilitarization of the islands except for internal security forces. Since 1974 the internal security forces have become essentially an extension of the regular Greek military. Turkish protests over Dodecanese remilitarization have been rejected by Greece on the grounds that Turkey is not a signatory to the treaty, and that Greece has a right to defend its own territory in light of the Turkish invasion of Cyprus and the formation of a Turkish Army of the Aegean.

42. Concerning the demilitarization of Limnos and Samothraki, the Greeks claim that, because Montreux replaced the Straits of the Dardanelles Convention, they were no longer bound by the demilitarization provisions of the earlier document. And the Greeks point out that the Turkish Foreign Minister admitted in 1936, in remarks before the Turkish Assembly, that

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the treaty provisions prohibiting militarization of Limnos and Samothraki had been superseded by the Montreux Agreement.

43. For their part, the Turks argue that the replacement of the 1923 Straits of the Dardanelles Convention by Montreux did not terminate the Greek obligation to demilitarize the islands of Limnos and Samothraki. They point out that the purpose of the Montreux agreement was to reinforce Turkish security, and it expressly gave Turkey the right to militarize the Bosphorus and Dardanelles Straits, while making no explicit mention of any Greek right to remilitarize Limnos or Samothraki.

44. Greece has sought in several ways to have the remilitarization of Limnos and Samothraki confirmed in the international community. Athens insisted that Limnos be included in the NATO evaluation of potential Colocated Operating Bases (COBs), asked for a NATO infrastructure project to be established there, and regularly attempts to have the island included as a target in NATO exercises. More recently, Papandreu has made inclusion of Limnos a *sine qua non* of Greek participation in the Aegean portion of NATO exercises.

NATO Issues

45. The rationalization of NATO's command and control arrangements in the Aegean, including its intention to establish a headquarters at Larisa on the Greek mainland, have been frustrated by unresolved problems connected with Greece's reintegration into the military wing of NATO. These problems have also disrupted NATO joint exercises in the region, and more recently a bilateral US-Greek exercise, and portend serious difficulties in an actual NATO-Warsaw Pact crisis. Moreover, Greek-Turkish wrangling repeatedly stalls progress in important NATO planning meetings.

46. **Exercise Problems.** Greek governments under three successive Prime Ministers have used their participation in NATO exercises scheduled for the eastern Mediterranean to register displeasure over NATO handling of what the other Alliance members consider bilateral Aegean questions. Papandreu, however, has considerably increased the frequency of Greek withdrawal from planned exercises—in several cases at the last minute after preparations were completed. Since 1981, Greece has withdrawn from at least seven major NATO exercises scheduled for the Aegean/eastern Mediterranean; its withdrawal in November 1982 from Apex Express cost NATO more than a million

dollars, not including costs to the individual countries participating.

47. Greece currently follows a policy of "selective participation" in NATO exercises: Athens is willing to join in where activities are confined to the western or central Mediterranean, but will opt out of eastern Mediterranean or Aegean exercises. This posture means that NATO cannot use Greek territory for practice and that NATO's southern forces cannot practice with Greek forces for quick-reaction reinforcement, sea control operations, or land-based air operations training.

48. Papandreu's across-the-board rejection of further participation arises primarily from the Greek argument that the island of Limnos should be included in any such NATO operation. Because of the dispute between Athens and Ankara over the Greek right to militarize the island, NATO's practice has been to avoid including it in exercise plans, much the same as is done with respect to disputed areas of the Barents Sea. Greek military officers argue that exercises to strengthen defense capabilities for the Turkish Straits that do not include Limnos make no military sense. Papandreu claims that NATO is impugning Greek sovereignty over the island by refusing to include it and that NATO is covering for Turkish aggressiveness.

49. Recently, Papandreu canceled Greek participation in exercise "Display Determination," scheduled for September-October 1984, as well as a bilateral US-Greek exercise scheduled earlier in September designed to improve special-forces operations in northern Greece. As justification for withdrawing from the NATO exercise, a Greek spokesman cited the exclusion of Limnos and unwillingness of NATO to recognize the 10-mile island airspace and Athens FIR control of military aircraft. With regard to the bilateral exercise, the spokesman stated that such activities were unnecessary, because they are meaningless in light of the nonexistent threat to Greece from the Warsaw Pact and the primacy of the threat from Turkey. Papandreu's decision to withdraw from this exercise marks the first instance of Greek withdrawal from bilateral exercises with the United States.

50. Athens's nonparticipation serves several purposes: it makes domestic political points, serves to protest command and control arrangements, and emphasizes the contention that NATO is not responding to Greek security needs. Meanwhile, the pressure is building within NATO planning councils for some sort of resolution of this impasse before NATO loses credibility as a deterrent force along the southern flank

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because of failing readiness and the absence of coordination between the key players in regional defense.

51. Command and Control Arrangements. Before 1974, American generals acted through Greek and Turkish deputies to exercise NATO air and ground command and control responsibilities in the Aegean. Air defense areas for NATO air command purposes corresponded roughly to the Athens and Istanbul FIRs. NATO's Aegean naval command fell to a Greek admiral because Turkey had not dedicated any naval forces in the Aegean for NATO purposes. Following Greek withdrawal from NATO's military wing, the naval command reverted to NATO headquarters in Naples and the air and land commands in the Aegean fell to Turkish officers because only Turkish forces remained under these commands.

52. Under the SACEUR agreement—the NATO plan that provided for Greece's reintegration into the military wing in 1980—new air and land headquarters were to be set up at Larisa, giving both Greece and Turkey their own air and land commands. Overall Aegean command and control responsibilities were assigned to an American admiral, CINCSOUTH, in Naples, pending the resolution of the disputes between Greece and Turkey. An Allied regional commander, COMAIRSOUTH, was to coordinate in time of war.

53. Since 1980, disagreements over how to interpret the SACEUR agreement have prevented full implementation of the SACEUR plan. The main sticking points concern air command issues, although naval command responsibilities are also in contention, since Turkey now would like a share of the NATO naval responsibilities in the Aegean. The following questions remain to be resolved:

- Can air command headquarters at Larisa be established before the extent of its responsibilities is explicitly delineated?
- To what extent can those responsibilities be allowed to deviate from the arrangements that prevailed before the Greek withdrawal in 1974?
- To what extent should NATO naval command and control arrangements be modified?

54. The SACEUR agreement provided for interim Aegean air command and control arrangements to apply until Turkish and Greek commanders could work out new ones in consultation with COMAIRSOUTH. Both Greece and Turkey consider these arrangements valid in the interim, but cannot agree on their precise nature or on the shape of permanent arrangements to follow.

55. After his election to office, Papandreou argued that the new Larisa headquarters could not be established before the extent of its responsibilities were clearly delineated, and that the extent of its air defense responsibilities should be exactly the same as before 1974—that is, coincidental with the Athens FIR, a position taken by previous Greek governments. He also denied that the interim naval arrangements worked out by SACEUR differ from those that prevailed before 1974. To bolster their arguments on these points, the Greeks cite NATO Military Committee documents MC 36/2 (which states that countries are "ultimately responsible for the defense and security of their territories and peoples") and MC 38/4 (which deals with naval command arrangements).

56. The Turks argued that the *status quo ante* 1974 was unacceptable to them, that military committee documents are not endorsed by the NATO Defense Planning Committee (DPC), and that the SACEUR agreement and its attendant understanding implied that there would be some adjustments in the interim as well as the permanent Aegean air and naval command responsibilities.

57. In NATO's December 1983 DPC meeting, SACEUR stated that the Greek reintegration agreement did provide for some modifications in the air and naval command boundaries. He further stressed that NATO command and control arrangements apply only in time of war involving the Alliance; each member protects its own territory and peoples in peacetime. Thus, the NATO arrangement does not establish or confirm precedents for international legal claims to airspace or seaspaces jurisdiction. As with other Aegean issues, both sides tend to view it in this way despite all remonstrations to the contrary. Meanwhile, disagreements over Aegean air and naval command responsibilities, the establishment of a new Larisa air command headquarters, and the inclusion of Limnos in NATO exercises have stymied, and will continue to stymie progress toward full Greek reintegration into NATO's military structure.

58. Underlying these positions are familiar Greek and Turkish concerns: Athens wants to protect its islands by controlling all the airspace above them, and Ankara wishes to protect the security of its western coast through effective early warning and IFF (identification friend or foe) systems and the conduct of appropriate military exercises.

59. **NATO Planning Problems.** To some extent, NATO serves as the primary stage upon which Greek-Turkish disputes are played. Greece particularly has

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used it as an international soundingboard to gain recognition for claims extending from its sovereignty over the Aegean islands. Recent meetings of the Defense Planning Committee and the High-Level Exercise Planning Group have witnessed Greek unwillingness to approve technical solutions to procedural issues that would have allowed planning for coming exercises and permitted Southwest Asia contingency planning measures to go forward. Most recently at NATO meetings in the spring of 1984 to discuss future force goals, the Greeks refused to approve a Turkish force goal related to Straits defense—the first time a NATO member has ever opposed another's force goals.

Other Bilateral Issues

60. Other bilateral issues, although not directly related to the Aegean disputes, complicate the prospects for settlement: these include the treatment of respective Greek and Turkish minorities and, most important, the Cyprus problem.

The Minorities Issue

61. Alleged mistreatment of their respective minorities is an emotional issue that attracts extensive press play and has the potential to spark serious trouble between Greece and Turkey on short notice. The 1923 Treaty of Lausanne, which provided for the repatriation of the bulk of Turks to Turkey and Greeks to Greece, guaranteed certain rights for the approximately 100,000 Greeks who desired to continue living primarily in and around Istanbul, and an approximately equal number of Turks who wanted to continue living in western Thrace. Since that time the Turkish minority in Greece has grown to its present level of about 120,000, while the Greek population in Turkey has declined to between 6,000 and 8,000.

62. The Turks charge that their compatriots in Thrace suffer discrimination of several kinds, in violation of Section III of the Treaty of Lausanne. They claim that they may be deprived of their citizenship if they leave Greece; that their lands are expropriated by the Greek Government for public purposes, and they are not allowed to buy real estate to replace it or to expand the buildings on the land they do own; that the Greeks attempt to suppress or otherwise interfere with minority education in Greece; that the Greek Government is resettling Greeks in Thrace to dilute the Turkish population and dispossess the Turks of their land; and that the Greek Government discriminates against them by requiring a knowledge of Greek to pass tests for various licenses and occupations.

63. The Greeks deny that the Muslim minority is subject to any systematic discrimination. They claim that land for civil projects has been taken from both Greeks and Turks living in Thrace, point out that two members of the Turkish minority currently serve in Parliament, and note that special provisions have been made for the education of the Turkish minority, including the establishment of an academy for the training of Muslim teachers.

64. Greeks countercharge that the decline of the Greek population in Turkey stems from various forms of discrimination over the years—most recently, controls on the Orthodox Church's right to export artistic or historical relics, but also limitations on professions and trades open to non-Turks which prevailed for a time in the 1930s, and an arbitrary capital tax imposed during World War II. They also accuse the Turkish Government of tolerating outbursts of violence against minorities, and holding the Istanbul Patriarchate of the Greek Orthodox Church hostage to Athens's policies.

Cyprus⁷

65. The Cyprus stalemate profoundly affects overall Greek-Turkish relations. Moreover, conflict over Cyprus often reverberates in the Aegean. The declaration of independence by the Turkish Cypriots in November 1983 has exacerbated mutual suspicions and forestalled hopes that discussions of Aegean issues halted in 1981 might be resumed any time soon. Cyprus remains, as it has been for years, an issue of great importance to Greeks and Turks. Progress on the Cyprus problem would considerably improve the climate for resolution of larger Aegean issues. Continued stalemate complicates efforts to resolve Aegean disputes.

Domestic Forces

66. Domestic forces in both Greece and Turkey work against major compromises on Aegean questions. Political interest groups and the press tend to fan the flames of nationalism extant in both populations. This latent popular hostility is available for political leaders on both sides to exploit, depending on their own goals and intentions.

67. These domestic forces clearly play a lesser role in Ankara's position on Aegean issues than in Athens's. The Turkish Government and Prime Minister Ozal

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have proceeded in a somewhat more low-key fashion in handling Aegean questions, a style that has helped to defuse potentially dangerous situations. This persistently moderate approach to Aegean issues has given rise to some domestic criticism, but Ozal has continued to call for new discussions in areas of common concern such as trade and tourism. If this criticism should become serious, however, and especially if it is echoed by key military leaders, Ozal would then be forced to stiffen Turkish policy toward Athens.

68. For the Greek Government, the political risk of compromise is great. Policy toward Turkey constitutes an important focus of domestic opinion as well as foreign policy interest. The Greek public and virtually all political elites support a tough stance on Greek-Turkish issues. And, at a time when domestic dissatisfaction with his economic policies is deepening, Papandreu can use the "Turkish threat" to deflect attention and unite the people and his supporters behind him. In such situations, the conservative New Democracy party—which differs from Papandreu's Panhellenic Socialist Movement (PASOK) party primarily in its willingness to negotiate directly with the Turks—cannot afford to appear weak on Turkish issues.

69. While no one in the Greek Government wants conflict with Turkey, the volatile personalities of Papandreu and some of his advisers have led to a tendency to overreact in tense situations. President Constantine Karamanlis and Greek military officers have counseled restraint at such times, and conflict has been avoided in the Aegean. But Papandreu sometimes makes important decisions without consulting them. While both the President and senior military leaders share many of Papandreu's concerns about a possible Turkish threat, they tend to assign greater importance than he does to a Warsaw Pact threat and to military cooperation with the United States and NATO.

70. The press in both nations tends to sensationalize bilateral relations, often suggesting conspiratorial scenarios and US collusion. Any negotiations between the two governments are subject to frequent leaks, whether intentional or unintentional, which endanger preliminary agreements or even trial balloons.

71. On balance, short of an immediate Warsaw Pact threat, domestic forces do not work toward encouraging compromise on Aegean issues. In Greece, the "Turkish threat" is a central theme of Papandreu's political posture, and one that appeals to Greeks across the political spectrum. In Turkey, irrita-

tion with perceived Greek misrepresentation of Ankara's intentions is growing. Short-lived rapprochement can occur, and both sides have proved themselves capable of refraining from provocative actions on occasion, and even maintaining a framework for discussion; but any kind of flareup in collateral issues such as Cyprus easily and quickly sours the climate for cooperation.

Other Players in the Aegean

The Soviet Union

72. With important interests on both sides of the conflict, the Soviets have not sought a major role in the dispute. But, at the same time, they have tried to exploit the situation, playing on heated nationalist sentiment in both countries in order to weaken Greek and Turkish cooperation with the United States and NATO and to moderate Aegean perceptions of the threat from Moscow.

73. In addition to its ultimate goal of establishing pro-Soviet regimes in the area, the USSR has several more immediate goals:

- ***To maintain naval access to the Mediterranean Sea through the Turkish Straits and the Aegean Sea.*** Moscow has let it be known that it expects to enjoy full rights of free passage through the Aegean, reflecting concern over a possible Greek declaration of 12-mile territorial seas for the islands and restriction of sea lanes. Moscow also desires to preserve access to offshore anchorages and maintenance facilities in the Aegean, most of which would fall within 12-mile Greek territorial seas. Moreover, the Soviets would like to retain access to repair facilities at a Greek-owned shipyard on Siros Island, granted in a 1979 agreement and renewed in 1982.

- ***To restrict US military and intelligence-gathering assets in the region.*** The Turkish-US rapprochement after 1980 and the 1983 Defense and Economic Cooperation Agreement (DECA) with Greece have probably heightened Soviet concerns in this regard.

- ***To break or at least weaken ties to NATO.*** Greek-Turkish disputes over the Aegean and Cyprus provide Moscow with convenient opportunities to encourage the alienation of those

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NATO Allies from NATO itself and from the United States.

- ***To prevent incorporation of Cyprus into NATO.*** Immediately after the Turkish Cypriot declaration of independence, Soviet spokesmen reiterated to the Turks Moscow's longstanding opposition to the incorporation of any part of Cyprus into NATO.
- ***To eliminate British bases on Cyprus and prevent their use by US CENTCOM.*** The use of British bases in support of the Multinational Force in Lebanon heightened Soviet anxieties that Cyprus would become an advanced basing area for the forces of US CENTCOM, earlier known as the Rapid Deployment Force.
- ***To limit or inhibit modernization of Turkey's nuclear-capable aircraft and missile delivery systems.*** The Soviets have repeatedly voiced their concern to Turkish officials that the United States may seek to deploy Pershing II and cruise missiles in Turkey.

74. Greek-Turkish Aegean problems and disputes connected with Cyprus enable the Soviets to court whichever side is currently the more disaffected with US policies, while at the same time retaining a generally correct posture toward the other. After 1974, when US-Greek ties deteriorated because of Greek disenchantment with perceived US support for the military junta and dissatisfaction with the US response to the Turkish invasion of Cyprus, Soviet relations with Greece significantly improved. In the aftermath of the Cyprus crisis, the US arms embargo against Turkey from 1975 to 1978 gave Moscow an opportunity to court Ankara with generous offers of economic assistance (over \$1 billion worth of credits were offered, although much of this aid has not been utilized by Turkey). Since the signing of the US-Turkish DECA in 1980, Moscow's relations with Ankara have been cool but correct, while Soviet-Greek relations took a decided upward swing with the election of victory Papandreu and the PASOK party in 1981.

75. Within the confines of its need to maintain positive relations with Ankara, Moscow has been happy to exploit the opportunities presented by Papandreu. Many facets of his foreign policy have pleased the Soviets: he has opposed INF deployment, championed a Balkan nuclear-weapons-free zone, played a disruptive role in NATO and European Community forums, and has generally espoused a pro-Third World policy. The Communist parties of Cyprus and

Greece (not instrumental to Papandreu's survival) have both been instructed by Moscow to refrain from criticizing Papandreu, so as not to endanger his regime and perhaps open the door for a rightist return to power. An unusually prominent Soviet party (CPSU) representative attended PASOK's May 1984 party congress, another sign of Moscow's favor, and the Soviets recently expanded trade contacts with Greece.

76. At the same time, the Soviets also recognize the self-interest behind Greek ties to Moscow. Greece seeks to indicate specific instances of displeasure with US actions, in order to demonstrate independence from US influence, to placate leftist elements of Papandreu's party whose support he needs to stay in power, as well as to alleviate pressure from the Greek Communist Party; and to secure Soviet diplomatic support against Turkey in Aegean and Cyprus matters.

77. The Soviet Union's long border with Turkey, large Muslim-Turkic population, and dependence on favorable Turkish interpretation of the Straits agreements make the cultivation of good relations with Ankara a continuing Soviet policy objective. Soviet-Turkish relations have remained cool but correct since Stalin left the scene, and since 1965 intergovernmental contacts have remained at a high level. Soviet-Turkish economic cooperation has continued and expanded; a new trade agreement also was recently signed.

78. On Cyprus, the Soviets have become somewhat more open in asserting their support for the Greek position—perhaps because the dispute technically involves Greece and Turkey only indirectly. Although Moscow's immediate public response to the Turkish Cypriot declaration of independence was slow, reticent, and unsatisfying to Athens, once international opinion began taking shape in favor of the Greek Cypriots, the USSR followed suit. Recently, Papandreu demanded even more strongly worded Soviet condemnation of Turkish support for northern Cyprus. Moscow responded by issuing a communique after a recent visit to Moscow by Greek Communist Party leader Florakis and by sending Deputy Foreign Minister Aristov to Cyprus for talks with President Kyrianiou, where he condemned the Turkish Cypriot declaration of independence. Simultaneously, a pro-Greek tilt appeared in the Soviet press, probably in response to Turkey's closeness to the United States and a deterioration in US-Soviet relations rather than as a signal of any meaningful shift in Soviet regional posture.

Western Europe

79. Western Europe is unlikely to be a major factor in the resolution of Aegean disputes. By and large, the

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West European countries appear unwilling to play an independent mediating role between the two southern allies, and their organizations have no formal mechanisms for handling bilateral disputes such as the Aegean ones. Strong anti-Turkish sentiment in the Council of Europe and the presence of Greece and absence of Turkey from the European Community make unlikely the use of such forums in any West European mediation effort in the Aegean.

80. At the same time, the countries of Western Europe have important commercial ties and NATO responsibilities in the region. European relations with Turkey are shaped by Turkey's critical role in NATO's southern flank, the huge numbers of Turkish workers residing in Europe, European access to NATO facilities in Turkey during joint exercises, potential Turkish cooperation to defend European oil lifelines in the Persian Gulf, Europe's interest in Ankara's return to democracy, and future efforts to reunify Cyprus. European relations with Greece are also influenced by Athens's participation in both NATO and the European Community.

81. European condemnation of the former military government and the slow pace of democratization has been costly for the Turks; it eliminated any possibility for European-Turkish cooperation on F-16 production, and halted OECD economic assistance. European remonstrations, however, have had little effect on the Turkish Government, and Ankara's position on Cyprus seems not to have been affected by European opinion. Greece, on the other hand, has better ties to Europe and views its access to European organizations as an opportunity to bring pressure on Turkey to compromise on Aegean and Cyprus issues. This advantage is somewhat mitigated by Papandreu's behavior in EC and NATO forums, which has upset many West European officials.

The Arab States

82. Greece and Turkey will continue to vie for the political and diplomatic support of Middle Eastern countries. The Arab states, however, have no direct interest in the Aegean dispute, and Ankara has been unable to translate its Islamic heritage into support on Cyprus in international forums. We do not foresee any active Arab intervention in Aegean disputes.

Conflict Resolution in the Aegean

83. Periodic tensions in the Aegean, exacerbated by a deterioration in Greek-Turkish relations over Cyprus, make more urgent the search for solutions to

Aegean questions. Papandreu shelved intermittent talks between Athens and Ankara on airspace and continental shelf issues when he came to power in 1981. During 1982 the two sides were able to agree to a (short-lived) "moratorium" on provocative words and actions. In spring 1984 the Turkish Government attempted to initiate new high-level contacts with Athens and offered some proposals that were rebuffed by Papandreu, who cited discord over Cyprus.

84. The Turkish objective has been to reengage the Greek leadership in direct bilateral negotiations, while the Greeks, although agreeing occasionally to low-level talks, have consistently sought to draw the United States and other allies more directly into the disputes. This section examines the feasibility and prospects of several alternative negotiating approaches and structures for resolving Aegean disputes.

A Comprehensive Approach

85. Combining all outstanding Aegean issues between Greece and Turkey would widen the range of possible trade-offs for negotiating purposes. The inter-connectivity of Aegean issues also offers some prospect for effective trade-offs and bargaining in bilateral negotiations. Aegean air, sea, and continental shelf issues are at the same time complex and intertwined, and changes in one element affect the others. The two sides rank the issues differently in terms of importance. Turkey probably takes most seriously Athens's threat to claim a 12-mile territorial sea, with the potential to restrict Turkish trade and military activity, and the stationing of Greek military forces on the islands so close to the Turkish mainland. Greece, on the other hand, is more worried about the vulnerability of its islands, and places highest priority on preventing changes in NATO regulations that would allow Turkish command of airspace above them, and on gaining recognition for the right to militarize Limnos and Samothraki.

86. While including Cyprus among the range of issues to be negotiated might potentially extend the opportunities for trade-off, the chances of settling the Aegean disputes would, in our view, be complicated by linking them with Cyprus. The nature of the Cyprus problem is different from Aegean questions with respect to the number of participants directly involved and the way the issue relates to national interests. The Cyprus problem cannot be decided solely by Greece and Turkey—both Cypriot communities will be central to any solution, Great Britain is an important player as guarantor of the founding

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treaty, and the United Nations has been actively involved since 1964. At the same time, progress on Cyprus would serve as a significant confidence-building measure in Aegean negotiations, facilitating agreement by helping to alleviate the distrust that poisons the atmosphere between Greece and Turkey.

An Issue-by-Issue Approach

87. An issue-by-issue approach would offer varying incentives and opportunities for compromise. Disputes over airspace and NATO command and control arrangements may be more amenable to resolution, because they entail a larger area of common interest. Neither side wants a misunderstanding to lead to military conflict, and both are subject to pressures from concerned NATO Allies whose interests are also affected. They are also concerned that mutual security arrangements aimed at Warsaw Pact threats should not expose their nations to undue threats from each other. To date, whatever progress has been achieved through negotiation on Aegean questions has come mainly on these issues.

88. Continental shelf issues constitute a second category of disputes, less urgent than airspace and NATO command and control, but with some history of serious negotiations. Both sides presented serious proposals during discussions in 1976-78. Doubts about the prospects for discovering valuable natural resources on the shelf have reduced the immediacy of this issue, perhaps allowing each side more room for maneuver should a more hospitable negotiating climate permit renewed talks. Of course, both sides remain wary of making any precedent-setting compromises on the shelf that might affect air and sea issues.

89. Over time, disputes over territorial waters and island militarization have proved to be the most intractable because they appear to have more serious consequences for economic lifelines and coastal defense. The two parties have made no attempts to negotiate these issues. Few incentives can be found for the parties to compromise, and both have threatened to fight if the other side takes steps to change the status quo.

Alternative Negotiating Structures

90. Given the intensity of mutual distrust, any Greek-Turkish negotiations will probably require some involvement by outside participants to facilitate the proceedings. But the two parties to the dispute are not likely to agree on a common agent, and the potential outside actors—with the possible exception of the ICJ—appear unprepared for such a role.

91. *The European Community.* Greece has sought to use the process of European political cooperation to win EC support for its positions on the Aegean and Cyprus, and is pleased with the Community's condemnation of the Turkish Cypriot declaration of independence and its willingness to adjust trade relations with Cyprus. Accordingly, Ankara views the EC as less than neutral, a sentiment reinforced by EC rebuff of Turkey's aspiration for membership. As an organization, the EC has neither the formal mechanism nor the inclination to settle extra-Community disputes of its members, although individual members could work with Greece and Turkey to encourage moves toward bilateral negotiations. In this case, Athens would look most favorably on France, and Turkey on West Germany.

92. *The United Nations Secretary General's Office.* The UNSYG has provided a major framework for Cyprus intercommunal talks deriving from the UN's historical involvement on Cyprus—it has dealt with various aspects of the problem for years, and UN forces (UNFICYP) have occupied the neutral zone between Greek and Turkish sectors since 1964. This UN framework has provided a "cooling off" period by substituting negotiations for open conflict. However, unlike the case of Cyprus, the United Nations has no logical connection to Aegean issues, and neither party has shown any interest in UN involvement on Aegean questions.

93. *The International Court of Justice.* The ICJ's 1976 ruling that it did not have jurisdiction in the various cases in question because the two parties had not exhausted the possibilities for bilateral negotiation continues to apply. In general, Athens is more eager to secure an ICJ role because it believes it has the stronger position in international law on many of the Aegean issues while Turkey believes that the 1976 ICJ ruling that the parties should give full effort to resolving the dispute bilaterally has not met with a good-faith Greek effort. (The LOS Convention provides for an additional arbitration process to which Athens and Ankara might conceivably accede in the future. See the annex for relevant provisions.) Because the ICJ will not consider cases unless both parties agree, and has no power of enforcement, there is little prospect for a juridical solution to Aegean disputes.

94. *NATO.* NATO members regard the Aegean disputes as bilateral questions with which they should not have to deal, and have in the past carefully avoided becoming involved. However, they have begun to express growing disgruntlement when Greece

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or Turkey disrupts NATO meetings or upsets NATO activities because of Aegean matters. The many problems created for NATO by the Aegean disputes may be generating new incentives for NATO members to play a more active role.

95. In view of this growing concern about the way in which such disputes affect the organization's south-eastern flank, the new Secretary General, Lord Carrington, could conceivably play a more active role than his predecessor in seeking to mediate security-related Aegean issues. In our view, however, both Greece and Turkey will be leery of any highly visible NATO approach. Athens does not consider the Alliance an impartial forum in which to settle Greek-Turkish disputes, believing that NATO overvalues the Turkish strategic-military contribution to NATO and does not share the Greek view that Turkey, not the Warsaw Pact, is the more imminent threat to Greek territorial integrity and security. Ankara, on the other hand, will almost certainly continue to press its preference for bilateral discussions with Greece. More important, both will be concerned about the precedent-setting effects of accommodations on military questions for other disputes.

96. **A US Role.** Washington to date has contended that the complexity of Aegean issues and the ambiguity of international legal principles necessitate a settlement through substantive bilateral political negotiations or agreed third-party procedures. The United States has encouraged both sides to negotiate on the whole range of issues in contention, and it has been prepared to play a procedural or "good offices" role when asked, but not a substantive one. In 1976 the United States responded to Greek requests for a US security guarantee against possible Turkish aggression by pledging in a letter from Secretary of State Kissinger to Greek Foreign Minister Bitsios that "the United States would actively and unequivocally oppose either side's seeking a military solution and will make a major effort to prevent such a course of action." Although the letter remains "on file" as a statement of US policy in the Aegean, the United States has rejected Greek entreaties to reaffirm or renew it, most recently during the 1982-83 DECA negotiations.

97. While each side urges US pressure on the other for accommodation and compromise, each has reservations about US impartiality. Athens believes that Washington places greater strategic value on Turkey—particularly in view of the Soviet activities in Afghanistan and the threat to the West's oil supply in the Gulf—and thus favors Ankara. Ankara perceives

Greek influence in Congress as a major constraint on the US administration's room for maneuver, and fears that Athens's US supporters will succeed in pressuring Washington to hold to traditional aid ratios and terms and to use the military aid process to force Turkish concessions on Cyprus.

Optimum Political Conditions for Productive Negotiations

98. Whether Athens and Ankara will engage in serious negotiations over Aegean issues will be largely determined by the timing of such efforts and the prevailing political climate. Prospects for productive talks will improve during periods when stable domestic conditions and relatively low levels of tension on Cyprus allow both governments to deal quietly with one another. Bilateral discussions are likely to be nonproductive when either government is on the political defensive at home. On balance, Greece's and Turkey's endemic distrust of one another and differing perceptions of the level of threat posed by the Warsaw Pact will probably prove to be highly resistant to change.

99. Given the level of mutual distrust, the situation probably requires an initial series of confidence-building measures that would mute the rhetoric, emphasize areas of common interest, and bring the two sides together to deal face to face with the issues. Progress on Cyprus has already been noted as a potential builder of confidence. The exploitation of common economic interests might also be a fertile area to develop: joint development of the Evros River basin separating Greek and Turkish Thrace was once suggested as a possibility, and cooperation on trade and tourism might be another. In the past, however, only two circumstances have compelled Greeks and Turks to set aside old grievances and cooperate for mutual benefit: a period of domestic reconstruction when pragmatic statesmen led both countries at the same time, and a heightened sense of vulnerability to external threat.

100. In spite of the obvious tensions in the Aegean, we believe that the prospects of premeditated aggression remain limited. Both Greece and Turkey have stakes in avoiding a military conflict. Athens, convinced that Ankara's objective is to partition the Aegean, and ultimately to challenge Greek sovereignty over some of the islands, has shown some willingness to negotiate on Aegean issues in the past, but not in recent years. Although Turkey is unprepared to legitimize the existing regime in the area, Ankara considers

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the Aegean situation to be in a state of fragile equilibrium. Hence, despite the militant rhetoric, we believe that forceful change in the Aegean would be viewed by both Athens and Ankara as destabilizing; and each has the incentive to avoid overt hostilities and to carefully manage conflicts that do occur.

101. At the same time, inadvertent clashes, either on Cyprus or in the Aegean, have considerable potential to lead to wider hostilities. Mutual suspicions have been exacerbated by recent events on Cyprus, and domestic imperatives in Greece may make the risk of compromise too high at this time. Ankara's frustration with Greek tactics and its sense of isolation from its Western allies on the Cyprus issue could move the locus of attention from constructive dialogue on Aegean problems to resisting outside pressures—an issue on which the Turks are firmly united. While Ankara has been forthcoming on the issue of resuming direct talks, Papandreu's refusals have allowed the Turks to avoid being tested as to where they might give on substance.

102. Prospects for significant progress toward resolving Aegean disputes have never been great. We believe that the atmosphere for productive negotiations has deteriorated over the last few years largely because of Papandreu's hardline stance against Turkey and events arising from the Turkish Cypriot declaration of independence.

103. Although Cyprus remains the most likely scene of a Greek-Turkish military clash, hostilities could spread to the Aegean or Thrace—if only because the Greeks recognize Turkey's military advantage on the island. The Greeks would have a slight edge in aerial combat in the Aegean, and at a minimum they would hold their own in naval engagements. In the border area of Thrace, the difficult terrain would be likely to offset the Turkish manpower edge, and fighting there probably would end in stalemate. Whatever form the fighting outside Cyprus took, a war involving more than small-scale skirmishes would almost certainly be short—because of limited ammunition stocks—and very costly for both Ankara and Athens.

Implications for the United States

104. The troubled Aegean will continue to pose major concern for the United States and NATO.

Disputes in the area have contributed to weakening the southeastern flank of the Alliance and have led both Greece and Turkey to question the value of close relations with the United States. Should the situation deteriorate sharply, larger US interests could be endangered: access to [redacted] military facilities in Greece and Turkey, efforts to modernize the rapidly deteriorating Turkish weapons inventory, hopes to enlist Greek and Turkish support for US activities in the Middle East, and attempts to gain Turkish cooperation in support of NATO out-of-area efforts, such as protection of oil lifelines in the Persian Gulf.

105. The quality of Turkish-Greek cooperation in the Aegean will also affect the stability of the eastern Mediterranean, where Soviet and US forces constantly maneuver. In the worst case, if Greek-Turkish tensions should escalate to open conflict and Athens perceived a decided NATO tilt toward Turkey, Greece could conceivably withdraw from NATO completely, leaving a gap in the southern flank. At that point, land defense against a Warsaw Pact thrust through Bulgaria and naval transit through the Aegean could become critical NATO problems. On the other hand, if Ankara perceives that NATO, especially the United States, is taking the Greek side, the possibility of Turkish withdrawal from the Alliance should not be ruled out. However, the Turkish border with the Soviet Union and Turkish perceptions of a greater Soviet threat make Turkey's withdrawal much less likely than some form of noncooperation in areas not directly related to homeland defense. In an extreme case, each side might view NATO as supporting its adversary, and both might withdraw from NATO.

106. Should the situation remain as it is, with periods of tension followed by a backing away from confrontation, the United States should be prepared for continuing instability and for persistent demands for intervention. Both Greece and Turkey place a high premium on US security assistance; the United States faces strong pressure from Turkey to expand military assistance and decouple the military aid process from Cyprus questions, and counterpressures from Greece to hold to a 7-to-10 aid ratio and use the military aid process to force Turkish concessions on Cyprus. Such a climate will demand skillful crisis management to limit the damage to US and Alliance interests.

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ANNEX

Excerpts From Treaties and Agreements Relevant to Greek-Turkish Aegean Disputes

TERRITORIAL SEA

Law of the Sea Convention, 1982

Part II. *Territorial Sea and Contiguous Zone.*

Section 1. General Provisions.

Article 2. Legal status.

1. The sovereignty of a coastal State extends beyond its land territory and internal waters . . . to an adjacent belt of sea, described as the territorial sea.

2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

Section 2. Limits of the Territorial Sea.

Article 3. Breadth of the territorial sea.

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

Article 15. Delimitation of the territorial sea between States with opposite or adjacent coasts.

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

Section 3. Innocent Passage in the Territorial Sea.

Article 17. Right of innocent passage.

Note: Spelling in this Annex reflects treaty language and, particularly in the case of place names, may differ from that used elsewhere in this Memorandum—which generally follows spelling guidance provided by the US Board on Geographic Names.

Subject to this Convention, ships of all States, whether coastal or landlocked, enjoy the right of innocent passage through the territorial sea.

Article 19. Meaning of innocent passage.

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State . . .

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order, or security of the coastal State if in the territorial sea it engages in any of the following activities:

- (a) any threat or use of force against the sovereignty, territorial integrity, or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

- (b) any exercise or practice with weapons of any kind;

- (c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

- (d) any act of propaganda aimed at affecting the defence or security of the coastal State;

- (e) the launching, landing, or taking on board of any aircraft;

- (f) the launching, landing, or taking on board of any military device;

- (g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;

- (h) any act of wilful and serious pollution contrary to this Convention;

- (i) any fishing activities;

- (j) the carrying out of research or survey activities;

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(k) any act aimed at interfering with any system of communication or any other facilities or installations of the coastal State;

(l) any other activity not having a direct bearing on passage.

AIRSPACE ISSUES

Convention on International Civil Aviation, Chicago, 7 December 1944

Article 1. Sovereignty.

The contracting states recognize that every state has complete and exclusive sovereignty over the airspace above its territory.

Article 2. Territory.

For the purposes of this Convention the territory of a state shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, or mandate of such state.

Article 3. Civil and State Aircraft.

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting state shall fly over the territory of another state or land thereon without authorization by special agreement or otherwise and in accordance with the terms thereof.

(d) The contracting states undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

CONTINENTAL SHELF

Convention on the Continental Shelf, Geneva, 1958

Article 6.

1. Where the same continental shelf is adjacent to the territories of two or more states whose coasts are opposite each other, the boundary of the continental shelf appertaining to such states shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the

nearest points of the baselines from which the breadth of the territorial sea of each state is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent states, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each state is measured.

Greek Reservation on Acceding to This Convention

... the Kingdom of Greece makes a reservation with respect to the system of delimiting the boundaries of the continental shelf appertaining to states whose coasts are adjacent or opposite each other, provided for in article 6, paragraphs 1 and 2, of the Convention. In such cases, the Kingdom of Greece will apply, in the absence of international agreement, the normal baseline system for the purpose of measuring the breadth of the territorial sea.

The Berne Declaration, 1976

On the procedure to be followed for the delimitation of the continental shelf by Greece and Turkey.

(1) Both parties agree that negotiations be sincere, detailed, and conducted in good faith with mutual consent regarding the delimitation of the continental shelf.

(2) Both parties agree that these negotiations should, due to their nature, be strictly confidential.

(3) Both parties reserve their respective positions regarding the delimitation of the continental shelf.

(4) Both parties undertake the obligation not to use the details of this agreement and the proposals that each will make during the negotiations in any circumstances outside the context of the negotiations.

(5) Both parties agree that no statements or leaks to the press should be made referring to the content of the negotiations unless they commonly agree to do so.

(6) Both parties undertake to abstain from any initiative or act relating to the continental shelf of the Aegean Sea which might prejudice the negotiations.

(7) Both parties undertake, as far as their bilateral relations are concerned, to abstain from any initiative or act which would tend to discredit the other party.

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(8) Both parties have agreed to study state practice and international rules on this subject with a view to educating certain principles and practical criteria which could be of use in the delimitation of the continental shelf between the two countries.

(9) A mixed commission will be set up to this end and will be composed of national representatives.

(10) Both parties agree to adopt a gradual approach in the course of the negotiations ahead after consulting each other.

UN Convention on the Law of the Sea, 1982

Part VI. Continental Shelf.

Article 83. Delimitation of the continental shelf between states with opposite or adjacent coasts.

1. The delimitation of the continental shelf between states with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the states shall resort to the procedures provided for in Part XV (settlement of disputes).

3. Pending agreement as provided for in paragraph 1, the states concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature, and during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

Part VIII. Regime of Islands.

Article 121. Regime of Islands.

2. (Except for rocks which cannot sustain human habitation or economic life) the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention application to other land territory.

MILITARIZATION OF GREEK ISLANDS

Straits of the Dardanelles Convention, Lausanne, 1923

Article 4. The zones and islands indicated below shall be demilitarised:

(3) In the Aegean Sea, the islands of Samothrace, Lemnos, Imbros, Tenedos and Rabbit Islands.

Article 6. . . there shall exist, in the demilitarised zones and islands, no fortifications, no permanent artillery organisation, no submarine engines of war other than submarine vessels, no military aerial organisation, and no naval base.

No armed forces shall be stationed in the demilitarised zones and islands except the police and gendarmerie forces necessary for the maintenance of order; the armament of such forces will be composed only of revolvers, swords, rifles, and four Lewis guns per hundred men, and will exclude any artillery.

. . . Greece shall be entitled to send her fleet into the territorial waters of the demilitarised Greek islands, but may not use these waters as a base of operations against Turkey nor for any military or naval concentration for this purpose.

Convention Regarding the Regime of the Straits, Signed at Montreux, 1936

(The parties to the Convention) Have resolved to replace by the present Convention the Convention signed at Lausanne on the 24th July, 1923 . . .

(No provision is included dealing with demilitarisation of the Aegean islands named in the Lausanne Convention cited above.)

Treaty of Lausanne, 1923

Section I. Territorial Clauses

Article 12. The decision taken on the 13th February, 1914, by the Conference of London, in virtue of Articles 5 of the Treaty of London . . . and 15 of the Treaty of Athens . . . regarding the sovereignty of Greece over the islands of the eastern Mediterranean, other than the islands of Imbros, Tenedos, and Rabbit Islands, particularly the islands of Lemnos, Samothrace, Mytilene, Chios, Samos, and Nikaria, is confirmed, subject to the provisions of the present Treaty respecting the islands placed under the sovereignty of Italy which form the subject of Article 15 (Dodecanese Islands transferred from Turkish to Italian sovereignty.) Except where a provision to the contrary is contained in the present Treaty, the islands situated at less than three miles from the Asiatic coast remain under Turkish sovereignty.

Article 13. With a view to ensuring the maintenance of peace, the Greek Government undertakes to

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observe the following restrictions in the islands of Mytilene, Chios, Samos and Nikaria:

(1) No naval base and no fortification will be established in the said islands.

(3) The Greek military forces in the said islands will be limited to the normal contingent called up for military service, which can be trained on the spot, as well as to a force of gendarmerie and police in proportion to the force of gendarmerie and police existing in the whole of the Greek territory.

Italian Peace Treaty, Paris, 1947

Section V. Greece (Special Clause)

(1) Italy hereby cedes to Greece in full sovereignty the Dodecanese Islands indicated hereafter, namely Stampalia (Astropalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misirros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), Cos (Kos), and Castellorizo, as well as the adjacent islets.

(2) These islands shall be and shall remain demilitarised.

Annex 13. Definitions

D. Definition of the terms "Demilitarisation" and "Demilitarised."

For the purpose of the present Treaty the terms "demilitarisation" and "demilitarised" shall be deemed to prohibit, in the territory and territorial waters concerned, all naval, military and military air installations, fortifications and their armaments; artificial military, naval and air obstacles; the basing or the permanent or temporary stationing of military, naval and military air units; military training in any form; and the production of war materiel. This does not prohibit internal security personnel restricted in number to meeting tasks of an internal character and equipped with weapons which can be carried and by one person, and the necessary military training of such personnel.

SETTLEMENT OF DISPUTES—LAW OF THE SEA ARBITRATION PROVISIONS

Part XV. Settlement of Disputes.

Section 2. Compulsory Procedures Entailing Binding Decisions.

Article 287. Choice of procedure.

1. When signing, ratifying, or acceding to this Convention or at any time thereafter, a state shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention:

(a) the International Tribunal for the Law of the Sea established in accordance with Annex VI;

(b) the International Court of Justice;

(c) an arbitral tribunal constituted in accordance with Annex VII;

(d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.

Section 3. Limitations and Exceptions to Applicability of Section 2.

Article 297. Limitations on applicability of section 2.

1. Disputes concerning the interpretation or application of this Convention with regard to the exercise by a coastal state of its sovereign rights or jurisdiction provided for in this Convention shall be subject to the procedures provided for in section 2 in the following cases:

(a) when it is alleged that a coastal state has acted in contravention of the provisions of this Convention in regard to the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines, or in regard to other internationally lawful uses of the sea specified in article 58 (exclusive economic zone);

(b) when it is alleged that a state in exercising the aforementioned freedoms, rights or uses has acted in contravention of this Convention or of laws or regulations adopted by the coastal state in conformity with this Convention and other rules of international law not incompatible with this Convention; or

(c) when it is alleged that a coastal state has acted in contravention of specified international rules and standards for the protection and preservation of the marine environment which are applicable to the coastal state and which have been established by this convention or through a competent international organization or diplomatic conference in accordance with this Convention.

Article 298. Optional exception to applicability of section 2.

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1. When signing, ratifying or acceding to this Convention or at any time thereafter, a state may, without prejudice to the obligations arising under section 1, declare in writing that it does not accept any one or more of the procedures provided for in section 2 with respect to one or more of the following categories of disputes:

(a) (i) disputes concerning the interpretation or applications of articles 15, 74 and 83 relating to sea boundary delimitations . . . provided that a state having made such declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under Annex V, section 2 (compulsory conciliation); and provided further that any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning territory shall be excluded from such submission;

(ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree;

(iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties.

(b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in noncommercial service, and disputes concerning law enforcement activities . . .

(c) disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention.

Article 299. Right of the parties to agree upon a procedure.

1. A dispute excluded under article 297 or excepted by a declaration made under article 298 from the dispute settlement procedures provided for in section 2 may be submitted to such procedures only by agreement of the parties to the dispute.

2. Nothing in this section impairs the right of the parties to the dispute to agree to some other procedure for the settlement of such dispute or to reach an amicable settlement.

Approved For Release 2009/04/20 : CIA-RDP87T00217R000700070005-0

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